	Application No.	Applicant(s)
	09/500,698	BULKOWSKI, BRIAN
Office Action Summary	Examiner	Art Unit	
	Kristie D. Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07 March 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3,4,6-35,39,41-48 and 50</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3,4,6-35,39,41-48 and 50</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment
Claims 1, 22, 31, 39, 48 and 50 have been amended.
Claims 2, 5, 36-38, 40, 49 and 51-55 are cancelled.

<u>Claims 1, 3-4, 6-35, 39, 41-48 and 50 are pending.</u>

Response to Arguments

I. Applicant's arguments with respect to claims 1, 22, 31, 39, 48 and 50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

III. <u>**Claims 1, 3, 4, 6-17, 19-32, 39, 41, 43-48 and 50**</u> **are rejected under 35 U.S.C. 103(a) as being unpatentable over** *Sridhar et al* **(US 6,324,582) in view of Nielsen (US 6,789,075).**

a.   **Per claims 1 and 39**, *Sridhar et al* teach a method and apparatus for receiving data via multiple channel broadcast media, comprising:

- receiving a request for a desired data object, said desired data object being associated with a first-level name (*col.14 lines 6-16*);

- obtaining a plurality of second-level names associated with said first-level name, each second-level name being associated with one or a plurality of low-level data to objects (*col.14 lines 20-47*); and

- obtaining location information associated with said second-level names via a first broadcast channel, said location information identifying at least two of multiple broadcast channels for carrying data associated with low-level data objects (*col.8 line 56-col.9 line 2, col.13 lines 8-28 and 40-50*);

- wherein said desired data object is a web page (*col.14 lines 20-47, col.24 lines 38-46, col.28 lines 15-43, col.32 lines 38-53, col.36 lines 3-24*).

However, *Sridhar et al* fail to explicitly teach said low-level data objects being in order by retrieval priority and a web page comprising at least a portion of said low-level data objects for retrieval and display in a order defined by said retrieval priority, wherein said retrieval priority is set by a content provider. However, *Nielsen* teaches the retrieval of low-level embedded web objects according to their associated priority attribute, with the priority attribute assigned by the author of the webpage (*col.1 lines 53-65, col.6 lines 17-36, col.7 lines 16-48*).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al* with *Nielsen* that allows for a webpage author/provider to set priority values for the embedded objects in a retrieved web page, because this gives the user quicker access to the more important or higher priority web objects of a webpage that are, most likely, of more interest to the user.

b.   **Claims 22, 31, 48 and 50** contain limitations that are substantially equivalent to claims 1 and 39 and are therefore rejected under the same basis.

c.   **Per claims 3 and 41,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claims 1 and 39, *Sridhar et al* further teach wherein data associated with respective low-level

data objects is received via at least two channels of said multiple channel broadcast medium (*col.13 lines 8-28, col.16 lines 25-67*).

        d.   **Per claims 4 and 43,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claims 1 and 39, *Sridhar et al* further teach wherein data associated with respective low-level data objects is broadcast according to a protocol indicated in said location information (*col.31 lines 31-36, col.36 lines 25-29*).

        e.   **Per claim 6,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claim 1, *Nielsen* further teaches wherein location information indicates for each low-level data object a location parameter, a size parameter and a bandwidth parameter (*col.6 line 59-col.7 line 2, col.7 lines 58-67, col.2 lines 15-25, col.5 lines 36-54*).

        f.   **Per claims 7 and 24,** *Sridhar et al* with *Nielsen* teach the methods claims 1 and 22, *Sridhar et al* further teach wherein said broadcast media comprises at least one of a cable transmission medium, an optical transmission medium, a satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (*col.3 lines 5-13 and 59-64, col.10 lines 40-53, col.18 lines 28-38*).

        g.   **Per claim 8,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claim 1, *Sridhar et al* further teach wherein said broadcast medium is a portion of a computer network (*col.3 lines 5-13 and 59-64, col.18 lines 28-38; Nielsen: col.6 lines 42-53*).

        h.   **Per claim 9,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claim 1, *Sridhar et al* further teach wherein said first-level name is a uniform resource locator (URL) (*col.3 lines 29-40, col.4 lines 25-30, col.14 lines 7-16; Nielsen: col.5 lines 41-62*).

       i.   **Claims 10 and 25** are substantially similar to claim 9 and are therefore rejected also under the same basis.

       j.   **Per claim 11,** *Sridhar et al* with *Nielsen* teach the method of claim 1, *Sridhar et al* further teach wherein said first-level name is a text string (*col.3 lines 29-40, col.4 lines 25-30, col.14 lines 7-16, col.28 lines 9-30; Nielsen: col.6 lines 1-16*).

       k.   **Per claim 12,** *Sridhar et al* with *Nielsen* teach the method of claim 11, *Sridhar et al* further teach wherein said text string is associated with an icon (*col.14 lines 20-22; Nielsen: col.6 lines 17-27 and 61-65*).

       l.   **Per claim 13,** *Sridhar et al* with *Nielsen* teach the method of claim 1, *Sridhar et al* further teach wherein said second-level name takes a minimal amount of storage space (*col.14 lines 20-65; Nielsen: col.6 line 59-col.7 line 2*).

       m.   **Per claim 14,** *Sridhar et al* with *Nielsen* teach the method of claim 1, *Nielsen* further teaches wherein the second-level name is an integer (*col.6 lines 1-36, col.7 lines 25-48*).

       n.   **Per claim 15,** *Sridhar et al* with *Nielsen* teach the method of claim 1, *Sridhar et al* further teach wherein said second-level name is an index into a table (*col.26 lines 1-9, col.27 lines 1-33, col.28 lines 1-14; Nielsen: col.7 lines 25-45*).

       o.   **Per claims 16 and 26,** *Sridhar et al* with *Nielsen* teach the method of claims 1 and 22, *Sridhar et al* further teach wherein said location information is accessed through a memory containing a data structure (*col.26 lines 1-9, col.27 lines 1-33, col.28 lines 1-14*).

       p.   **Per claims 17, 27 and 44,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claims 1, 22 and 39, *Sridhar et al* further teach wherein said location information is

sufficient to locate said data in a data stream (*col.26 lines 1-9, col.27 lines 1-33, col.28 lines 1-43; Nielsen: col.2 lines 2-25*).

q.   **Per claims 19, 28, 45,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claims 1, 22 and 39, *Sridhar et al* further teach including the further step of combining said plurality of low-level data objects (*col.14 lines 17-47; Nielsen: col.7 lines 4-54*).

r.   **Per claims 20, 29 and 46,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claims 19, 28 and 45, *Sridhar et al* further teach including the step of combining results in a portion of said desired data object (*col.14 lines 17-47; Nielsen: col.7 lines 4-54*).

s.   **Per claims 21, 30 and 47,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claims 20, 29 and 46, *Sridhar et al* further teach the further step of presenting said desired data object (*col.9 lines 51-56; Nielsen: col.1 lines 45-52, col.7 lines 10-15 and 43-48*).

t.   **Per claim 23,** *Sridhar et al* with *Nielsen* teach the method and apparatus of claim 22, *Sridhar et al* further teach wherein said desired data object is a web page (*col.3 lines 29-40, col.4 lines 25-30, col.14 lines 7-47; Nielsen: col.4 line 45-col.5 line 35*).

u.   **Per claim 32,** *Sridhar et al* with *Nielsen* teach the method of claim 31, *Sridhar et al* further teach including the further step of broadcasting said each one of said plurality of data objects forming said data (*col.13 lines 8-22*).

IV.   Claims 18, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US 6,324,582) in view of *Nielsen* (US 6,789,075) in further view of *Altschuler et al* (US 6,778,971).

a.   **Per claims 33 and 34,** *Sridhar et al* with *Nielsen* teach the method of claims 31 and 32 as applied above. *Nielsen* teaches an audio file or applet as an embedded web object in an HTML page (*col.1 lines 43-52, col.7 lines 10-15*), yet fails to explicitly teach the method

wherein said each one of said plurality of data objects is broadcast as an MPEG section. However, *Altschuler et al* teach the inclusion MPEG encoded video as embedded objects of a webpage, with associated object IDs, that are structured and logged in an hierarchy for the webpage (*col.14 lines 30-39*). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al* and *Nielsen* with *Altschuler et al* that provisions the inclusion of MPEG as broadcasted objects on a webpage—web pages with encoded MPEG video files are well-known in the art for broadcasting multimedia.

      b.   **Claim 18** is substantially similar to claims 33 and 34 and is therefore rejected under the same basis.

V.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US 6,324,582) in view of *Nielsen* (US 6,789,075) in further view of *Boon* (US 6,351,565).

      Per claim 35, *Sridhar et al* with *Nielsen* teach the method of claim 31 as applied above, yet fail to explicitly teach said data object is formatted for transmission as an UDP packet. However, *Boon* teaches said data object is formatted for transmission as an UDP packet (*col.17 lines 65-67*). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al* and *Nielsen* with *Boon* by having said data object be formatted for transmission as an UDP packet because UDP is a part of the TCP/IP data transmission packet protocol used within the internet and is commonly used in the art to transmit packets of data due to it's transmission efficiency.

VI.   Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Sridhar et al* (US 6,324,582) in view of *Nielsen* (US 6,789,075) in further view of *Bisdikian et al* (US 6,047,317).

Per claim 42, *Sridhar et al* with *Nielsen* teach the apparatus of claim 39 as applied above, yet fail to explicitly teach wherein data associated with respective low-level data objects is broadcast a number of times as indicated in said location information. However *Bisdikian et al* teach data associated with respective low-level data objects is broadcast a number of times as indicated in said location information (*col.3 line 55-col.4 line 52*). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Sridhar et al* and *Nielsen* with *Bisdikian et al* for the purpose of providing indicia with the meta-data of the data objects that specifies the number of times to broadcast the objects. Such indicia are common in the art and are realized via tags and flags that specify particular restrictions for and information about the data objects.

Conclusion

VII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Kasriel et al* (6981017), *Tso et al* (6421733), *Fogarasi et al* (6128619).

VIII. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

IX.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles
Examiner
Art Unit 2141

kds